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Attorneys for Defendant  
UNITED AIRLINES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DARRELL HUGHES, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

UNITED AIRLINES, INC.; and DOES  
1 through 20, inclusive,

Defendants.

Case No. 3:22-cv-08967-LB

**DEFENDANT UNITED  
AIRLINES, INC.'S NOTICE OF  
MOTION AND MOTION FOR  
PARTIAL JUDGMENT ON THE  
PLEADINGS**

Hearing Information:  
Date: October 26, 2023  
Time: 9:30 a.m.  
Location: Zoom

**NOTICE OF MOTION AND MOTION FOR PARTIAL JUDGMENT  
ON THE PLEADINGS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT that on October 26, 2023, at 9:30 AM, or as soon thereafter as the matter may be heard, in the Courtroom of the Honorable Laurel Beeler of the United States District Court for the Northern District of California, San Francisco Division, located at 450 Golden Gate Ave., San Francisco, California, Defendant United Airlines, Inc. (“United” or “Defendant”) will and hereby does move this Court for an Order, pursuant to Federal Rule of Civil Procedure 12(c), for partial judgment on the pleadings for the following claims made by Plaintiffs Darrell Hughes and Robin Goings (collectively, the “Plaintiffs”) in the First Amended Complaint (“FAC”):

1. Full judgment as to Plaintiffs’ First Cause of Action because that claim rests entirely on Section 5 of Wage Order 9, which United is exempt from under that provision’s Railway Labor Act (“RLA”) exemption;
2. Partial judgment as to Plaintiffs’ Second Cause of Action because California Labor Code § 512.2 exempts airline cabin crew employees covered by a collective bargaining agreement under the RLA from California’s meal break requirements, and thus, Plaintiffs are not entitled to injunctive relief for this cause of action;
3. Partial judgment as to Plaintiffs’ Third Cause of Action because California Labor Code § 512.2 exempts airline cabin crew employees covered by a collective bargaining agreement under the RLA from California’s rest break requirements, and thus, Plaintiffs are not entitled to injunctive relief for this cause of action;
4. Partial judgment as to Plaintiffs’ Fourth Cause of Action to the extent that claims rests on Section 9 of Wage Order 9, which United is exempt from

1 under that provision's RLA exemption;

- 2 5. Full judgment as to Plaintiffs' Fifth Cause of Action because there is no  
3 private cause of action for this claim, and even if there were, the FAC fails to  
4 include sufficient factual allegations in support of this claim; and  
5 6. Partial judgment of Plaintiffs' Seventh Cause of Action because this claim is  
6 derivative of the other claims, and thus, also fails to the extent those other  
7 claims fail.

8 The Motion is based upon this Notice of Motion and Motion, the  
9 Memorandum of Points and Authorities in Support of the Motion, the Request for  
10 Judicial Notice and corresponding exhibits, all of the papers on file in this action,  
11 and upon such other and further evidence or argument that the Court may consider.

12 Dated: September 15, 2023

Respectfully submitted,

13 JONES DAY  
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15 By: /s/ Amanda Sommerfeld  
16 Amanda Sommerfeld

17 Counsel for Defendant  
18 UNITED AIRLINES, INC.  
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